REMARKS

Claims 1-12, 14-18, 20-23, and 25-30 remain pending in this application. The pending claims stand rejected. Independent claims 1, 26, and 29 are amended.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 5-8, 10-12, 14-18, 20-23, and 25-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0115448, application of Bouchard (Bouchard) in view of U.S. Publication No. 2002/0065042, application of Picoult, et al. (Picoult) and further in view of U.S. Publication No. 2004/0117456, application of Brooks (Brooks). Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bouchard in view of Picoult, in view of Brooks, and further in view of U.S. Patent No. 6,795,924, application of Kiessling et al. (Kiessling). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bouchard in view of Picoult, in view of Brooks, and further in view of U.S. Publication No. 2003/0031320, application of Fan et al. (Fan). Assignee respectfully requests reconsideration.

Claim 1 recites that the second attachment is automatically provided by the server to the mobile device when the secure message previously received at the mobile device is opened in response to a request at the mobile device. In rejecting this subject matter, the examiner cited paragraph 31 of Picoult. The cited paragraph from Picoult reads as follows:

> [0031] The method flow chart continues at step 260 where data center 120 sends to recipient's determined preferred mobile device 130 a message and any attachments. The message may be sent directly, automatically, and in accordance with a predetermined sent of criteria or upon the user prompting the request. At step 270, recipient selects on mobile device 130 which message recipient desires to receive. At step 280, the recipient may be queried as to whether or not the recipient would like the message to be sent securely. If the answer to the query at step 280 is "no", then the method progresses directly along path A. If, however, the answer to the query at step 280 is "yes," then the method proceeds to step 290 where the

message is processed for secure transmission. Secure transmission may be effected in a variety of methods such as by public key, private key encryption, or the like. Such security techniques are well-known in the art of secure messaging; therefore, a detailed description of these secure transfer technologies is not required for an understanding of this invention. The method then progresses from step 290 to continue along path A.

It seems that the examiner considers the data center 120 as the server recited in claim 1. In the advisory action, the examiner cites the first six lines of paragraph 31 as disclosing that the message is provided automatically in response to a user request. The cited portion of Picoult teaches that the data center can send a message to a mobile device "upon the user prompting the request." However, it is respectfully submitted that Picoult never teaches requesting at the mobile device to open a secure message <u>that was previously received by the mobile device</u> as recited by claim 1. The user request mentioned in paragraph 31 of Picoult occurs <u>before</u> the mobile device receives any message. Such request is directed to prompt the data center to send the message to the mobile device, not to open a message that the mobile device has already received as required by claim 1.

Even if the examiner considers the mobile device 130 as the server recited in claim 1 and the destination device as the mobile device in claim 1, Picoult does not teach requesting at the mobile device to open a secure message that was previously received by the mobile device as recited by claim 1. The cited paragraph 31 of Picoult teaches that a message recipient can specify whether or not the recipient would like the message to be sent securely. When the recipient makes such choice, the destination device has not received the message yet and thus could not have opened the previously received message in response to the recipient's request as required by claim 1. Thus, Picoult does not disclose the claim feature of claim 1.

Additionally, in paragraph 31 of Picoult, any attachments are sent with the message to the recipient's mobile device and accordingly comprises the exact opposite context and subject

matter of claim 1, which provides that the message and the attachment are sent separately, and thus the need arises for the separate transmission of the attachment in the last paragraph of claim 1. Because Picoult does not teach the claim feature of claim 1, claim 1 is allowable and should proceed to issuance. It is respectfully submitted that the §103 rejection against claim 1 be withdrawn.

Independent claims 26 and 29 recite subject matter analogous to the subject matter of claim 1. Thus, claims 26 and 29 are patentable over the cited references for at least the reasons set forth above with respect to claim 1. In addition, it is noted that the assignee has not provided arguments with respect to certain of the dependent claims in the instant application. This is done without prejudice to the assignee's right to present arguments regarding any of the dependent claims at any point in the future. Further, because each of the dependent claims in the instant application depends from a base claim that is itself allowable, the dependent claims are allowable for at least the reasons set forth with respect to the base claims.

CONCLUSION

For the foregoing reasons, assignee respectfully submits that the pending claims are allowable. Therefore, the examiner is respectfully requested to pass this case to issuance.

Respectfully submitted,

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